

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT

58-41-1. Title of act.

This chapter is known as the "Speech-language Pathology and Audiology Licensing Act."

58-41-2. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "ASHA" means the American Speech and Hearing Association.
- (2) "Association" means the Utah Speech and Hearing Association.
- (3) "Audiologist" means a person who practices audiology or who holds himself out to the public directly or indirectly by any means, act, title, identification, performance, method or procedure as one who nonmedically examines, measures, tests, interprets, evaluates, assesses, diagnoses, directs, instructs, treats, counsels, prescribes and recommends for persons affected by or suspected of having disorders of or conditions of impaired hearing or assists persons in achieving the reception, communication and perception of sound and determines the range, nature, and degree of hearing function related to communication needs, or provides audiology services and uses audio-electronic equipment and provides audiology services and consultation regarding noise control and hearing conservation, conducts tests and interpretation of vestibular function and nystagmus, prepares ear impressions and provides ear molds, aids, accessories, prescriptions, and prosthesis for hearing, evaluates sound environment and equipment, and calibrates instruments used in testing and supplementing auditory function. A person is deemed to be an audiologist if he directly or indirectly provides or offers to provide these services or functions set forth in Subsection (4) or any related function.
- (4) "Audiology" means the application of principles, methods and procedures, and measuring, testing, examining, interpreting, diagnosing, predicting, evaluating, prescribing, consulting, treating, instructing, and researching, which is related to hearing, vestibular function, and the disorders of hearing, to related language and speech disorders and to aberrant behavior related to loss of hearing or vestibular function, for the purpose of preventing and modifying disorders related to loss of hearing or vestibular function, and planning, directing, managing, conducting and participating in hearing conservation, evoked potentials evaluation, non-medical tinnitus evaluation or treatment, noise control, habilitation and rehabilitation programs, including hearing aid evaluation, assistive listening device evaluation, prescription, preparation, and dispensing, and auditory training and lip reading.
- (5) "Audiology aide" means an individual who:
 - (a) meets the minimum qualifications established by the board for audiology aides. Those qualifications shall be substantial but less than those established by this chapter for licensing an audiologist;
 - (b) does not act independently; and
 - (c) works under the personal direction and direct supervision of a licensed audiologist who accepts responsibility for the acts and performance of that audiology aide under this chapter.
- (6) "Board" means the Speech-language Pathology and Audiology Licensing Board created under Section 58-41-6.
- (7) "CCC" means the certificate of clinical competence awarded by the American Speech and Hearing Association.
- (8) "CFY" means the clinical fellowship year prescribed by the ASHA.
- (9) "Disorder" means the condition of decreased, absent, or impaired auditory, speech, voice, or language function.

- (10) "Hearing aid dealer" means one who sells, repairs, and adjusts hearing aids.
- (11) "Licensed audiologist" means any individual to whom a license has been issued under this chapter if that license is in force and has not been suspended or revoked.
- (12) "Licensed speech-language pathologist" means any individual licensed under this chapter whose license is in force and has not been suspended or revoked.
- (13) "Person" means any individual, group, organization, partnership, or corporate body, except that only an individual may be licensed under this chapter.
- (14) "Practice of audiology" means rendering or offering to render to individuals, groups, agencies, organizations, industries, or the public any performance or service on audiology.
- (15) "Practice of speech-language pathology" means rendering, prescribing, or offering to render to individuals, groups, agencies, organizations, industries or the public any service in speech-language pathology.
- (16) "Prescribe" means to:
 - (a) determine, specify and give the directions, procedures, or rules for a person to follow in determining and ordering the preparation, delivery, and use of specific mechanical, acoustic, or electronic aids to hearing or speech; and
 - (b) determine or designate a remedy for a person.
- (17) "Prescription" means a written or oral order for the delivery or execution of that which has been prescribed.
- (18) "Speech-language pathologist" means
 - (a) a person who practices speech-language pathology or who holds himself out to the public by any means, or by any service or function he performs, directly or indirectly, or by using the terms "speech-language pathologist", "speech-language therapist" "language disability specialist," or any variation, derivation, synonym, coinage or whatever expresses, employs or implies these terms, names or functions; or
 - (b) a person who performs any of the functions described in Subsection (19) or any related functions.
- (19) "Speech-language pathology" means the application of principles, methods, and procedures for the examination, measurement, prevention, testing, identification, evaluation, diagnosis, treatment, instruction, modification, prescription, restoration, counseling, habilitation, prediction, management, and research related to the development and the disorders or disabilities of human communication, speech, voice, language, cognitive communication, or oral, pharyngeal or laryngeal sensorimotor competencies, for the purpose of identifying, evaluating, diagnosing, prescribing, preventing, managing, correcting, ameliorating, or modifying those disorders and their effects in individuals or groups of individuals.
- (20) "Speech-language pathology aide" means an individual who:
 - (a) meets the minimum qualifications established by the board for speech-language pathology aides. Those qualifications shall be substantial but less than those established by this chapter for licensing a speech-language pathologist;
 - (b) does not act independently; and
 - (c) works under the personal direction and direct supervision of a licensed speech-language pathologist who accepts the responsibility for the acts and performances of that speech-language pathology aide while working under this chapter.
- (21) "Treatment" means the services of speech-language pathologist or audiologist to examine, diagnose, correct or ameliorate speech or hearing disorders, abnormalities, behavior or their effects.
- (22) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes:
 - (a) failing to maintain a level of professional practice consistent with all

- initial and subsequent requirements by which a license is achieved or maintained under this chapter;
- (b) utilizing substandard or inappropriate facilities or equipment;
- (c) treating any disorder for which the licensee has not had the necessary training and experience; or
- (d) failing to comply with the requirements of Section 58-41-17.

58-41-3. Scope of licenses - Practicing without license prohibited.

- (1) Licensing shall be granted independently either in speech-language pathology or audiology. A person shall be licensed in one or both areas when he meets the respective qualifications.
- (2) No person may practice, represent himself to be, consult, or perform as a speech-language pathologist or audiologist in this state unless he is licensed in accordance with this chapter.

58-41-4. Exemptions from chapter.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in the practice of speech-language pathology and audiology subject to the stated circumstances and limitations without being licensed under this chapter:
 - (a) a qualified person licensed in this state under any law existing in this state prior to May 13, 1975, from engaging in the profession for which he is licensed;
 - (b) a medical doctor, physician, or surgeon licensed in this state, from engaging in his specialty in the practice of medicine;
 - (c) a hearing aid dealer or salesman from selling, fitting, adjusting, and repairing hearing aids, and conducting hearing tests sole for that purpose. However, a hearing aid dealer may not conduct audiologic testing on persons under the age of 18 years except under the direct supervision of an audiologist licensed under this chapter;
 - (d) a person who has obtained a valid and current credential issued by the Utah State Office of Education while performing specifically the functions of a speech-language pathologist or audiologist, in no way in his own interest, solely within the confines of and under the direction and jurisdiction of and only in the academic interest of the schools by which employed in this state;
 - (e) a person employed as a speech-language pathologist and audiologist by federal government agencies or subdivisions or, prior to July 1, 1989, by state or local government agencies or subdivisions, while specifically performing speech-language pathology or audiology services in no way in his own interest, solely within the confines of and under the direction and jurisdiction of and in the specific interest of that agency or subdivision;
 - (f) a person identified in Subsections (d) and (e) may offer lectures for a fee, or monetary or other compensation, without being licensed; however, such person may elect to be subject to the requirements of this chapter;
 - (g) a person employed by accredited colleges or universities as a speech-language pathologist or audiologist from performing the services or functions described in this chapter when they are:
 - (i) performed solely as an assigned teaching function of employment;
 - (ii) solely in academic interest and pursuit as a function of that employment;
 - (iii) in no way for their own interest; and
 - (iv) provided for no fee, monetary or otherwise, other than their agreed institutional salary;

- (h) a person pursuing a course of study leading to a degree in speech-language pathology or audiology while enrolled in an accredited college or university, provided those activities constitute an assigned, directed and supervised part of his curricular study, and in no other interest, and that all examinations, tests, histories, charts, progress notes, reports, correspondence and all documents and records which he produces be identified clearly as having been conducted and prepared by a student in training and that such a person is obviously identified and designated by appropriate title clearly indicating the training status and provided that he does not hold himself out directly or indirectly as being qualified to practice independently;
 - (i) a person trained in elementary audiometry and qualified to perform basic audiometry tests while employed by a licensed medical doctor to perform solely for him while under his direct supervision, the elementary conventional audiometric test[s] of air conduction screening, aid conduction threshold testing, and tympanometry;
 - (j) a person while performing as a speech-language pathologist or audiologist for the purpose of obtaining required professional experience under the provisions of this chapter, if he meets all training requirements and is professionally responsible to and under the supervision of a speech-language pathologist or audiologist who holds the CCC or a state license in speech-language pathology or audiology. This provision is applicable only during the time that person is obtaining the required professional experience;
 - (k) a corporation, partnership, trust, association, group practice or like organization engaging in speech-language pathology or audiology services without certification or license, if it acts only through employees or consists only of persons who are licensed under this chapter;
 - (l) performance of speech-language pathology or audiology services in this state by a speech-language pathologist or audiologist who is not a resident of this state and is not licensed under this chapter if those services are performed for no more than one month in any calendar year in association with a speech-language pathologist or audiologist licensed under this chapter, and if that person meets the qualifications and requirements for application for licensure described in Section 58-41-15; and
 - (m) a person certified under Title 53A as a teacher of the deaf, from providing the services or performing the functions he is certified to perform.
- (2) No person is exempt from the requirements of this chapter who performs or provides any services as a speech-language pathologist or audiologist for which a fee, salary, bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who engages any part of his professional work for a fee practicing in conjunction with, by permission of, or apart from his position of employment as speech-language pathologist or audiologist in any branch or subdivision of local, state, or federal government or as otherwise identified in this section.

58-41-5. Licensure requirements.

To obtain and maintain a license as a speech-language pathologist or audiologist, the applicant must:

- (1) submit a completed application in the form and content prescribed by the division; and pay a fee determined by the department pursuant to Section 63-38-3.2;
- (2) be of good moral character;
- (3) provide the committee with verification:

- (a) from the educational institutions involved, that the applicant is the legal holder of a doctor's or master's degree or its equivalent in the area of speech-language pathology, speech science, or audiology, from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology, speech science, or audiology; and
 - (b) that he has had training and experience in treating and managing the major communication disabilities identified in speech-language pathology or audiology;
- (4) be in compliance with the regulations of conduct and codes of ethics for the profession of speech-language pathology and audiology;
- (5) submit to the board certified evidence of having completed at least one year of professional experience (at least 30 hours per week for an academic year) of direct clinical experience in treatment and management of patients. That treatment and management shall be supervised and attested by one holding a license under this chapter, the CCC, or their full equivalent;
- (6) submit transcripts to the board, from the educational institutions involved, indicating a doctor's or master's degree from an accredited program or satisfactory completion of at least 90 quarter hours in speech or hearing disorders, of which at least 50 shall be for graduate level credit. No less than nine and no more than 12 quarter hours shall be in basic and clinical audiology for persons applying for the license in speech-language pathology. No less than nine and no more than 12 quarter hours shall be in basic and functional speech-language pathology for persons applying for a license in audiology. No more than three quarter hours shall be in thesis or student research;
- (7) pass a nationally standardized examination in speech-language pathology or audiology which is the same as, or equivalent to, the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards. The board may, in its discretion, require an applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed speech-language pathologists appointed by the board.

58-41-6. Board.

- (1) There is created the Speech-language Pathologist and Audiologist Licensing Board of four speech-language pathologists or audiologists and one member of the general public.
 - (a) The nonpublic members of the board shall be licensed to provide and shall be engaged in providing speech-language pathology or audiology services to the public as a major interest as follows:
 - (i) one member shall be in private practice as a primary professional interest and activity or shall be a provider of speech-language pathology or audiology services at large;
 - (ii) one member shall be from a nonschool clinic setting which provides ongoing speech-language pathology or audiology services;
 - (iii) one member shall be a provider of speech-language pathology and audiology in the elementary or secondary schools; and
 - (iv) one member shall be a provider of a speech-language pathology and audiology college or university training program.
 - (b) At no time may the board consist of more than two members who represent speech-language pathology or more than two members who represent audiology.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Section 58-1-202 and 58-1-203.

58-41-7. Waiver of specified licensure requirements - Conditions.

The requirements of Subsections 58-41-5(3), (5), (6), and (7) shall be waived, and a license shall be issued by the department upon application and payment of fees by persons who:

- (1) on May 13, 1975, held the CCC or its full equivalent, or who are engaged, and for two consecutive years of the five years immediately preceding May 13, 1975, were engaged in the active practice of speech-language pathology or audiology in this state;
- (2) hold a doctor's or master's degree or its equivalent in the field of speech-language pathology, speech science, or audiology; and
- (3) have provided proof of those facts to the board with a request for a license, prior to July 1, 1980.

58-41-8. Issuance of license.

Upon the recommendation of the board the division shall issue licenses in accordance with Section 58-1-301.

58-41-9. Grounds for denial of license - Resumption of practice.

- (1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with Section 58-1-401.
- (2) After one year from the date of revocation of a license, application may be made to the board for relicensing.

58-41-10. Repealed.

58-41-11. Repealed.

58-41-12. Term of license - Expiration - Renewal.

- (1) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) At the time of renewal the licensee shall show satisfactory evidence of completion of scheduled graduate level professional training, related clinically to the profession of speech-language pathology or audiology, as may be established by the division by rule, in cooperation with the board.
- (3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

58-41-13. Fees.

The department shall set fees in cooperation with the board and in accordance with Section 63-38-3.2 and shall collect all fees.

58-41-14. Single license for speech-language pathologist and audiologist - Single fee.

An applicant who qualifies to be licensed as both a speech-language pathologist and audiologist shall receive a single license reflecting licensure in both classifications. A fee may only be assessed for a single license.

58-41-15. Violation of chapter - Penalties.

A person who violates any provision of this chapter, is upon conviction, guilty of a class A misdemeanor. Whenever any person other than a licensed speech-language pathologist or audiologist has engaged in any practice that constitutes an offense under this chapter, a court of appropriate jurisdiction may issue an injunction or other appropriate order restraining that conduct.

58-41-16. Privileged communication.

A person licensed under this chapter may not be examined or required to reveal any findings, examinations, or representation made by his client to him, or any advice or treatment given to his client in the course of professional practice without the consent of his client or the client's representative. A person employed by a person licensed under this chapter may not be examined without the consent of the employer concerning any fact of which the employee has acquired knowledge in his professional capacity.

58-41-17. Testing period for hearing aids.

- (1) As used in this section:
 - (a) "Hearing aid" means any wearable instrument or device designed or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments, or accessories thereto.
 - (b) "Hearing aid" does not include any type of device which is surgically implanted in the cochlea or under the skin near the ear.
- (2) Any person licensed under this chapter who sells a hearing aid to a consumer shall provide a written receipt or written contract to the consumer. The written receipt or contract shall provide the consumer with a 30-day right to cancel the purchase if the consumer finds that the hearing aid does not function adequately for the consumer and to obtain a refund if the consumer returns the hearing to the seller in the same condition, ordinary wear and tear excluded, as when purchased. The written receipt or contract shall notify the consumer of the 30-day right to cancel in at least ten point type.

The 30-day right to cancel shall commence from either the date the hearing aid is originally delivered to the consumer or the date the written receipt or contract is delivered to the consumer, whichever is later. The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery.
- (3) Upon exercise of the 30-day right to cancel a hearing aid purchase, the seller of the hearing aid is entitled to a cancellation fee equal to the actual cost that will be incurred by the seller in order to return the hearing aid to the manufacturer, provided that the written receipt or contract states the exact amount that will be retained by the seller as a cancellation fee.

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AUDIOLOGY LICENSING ACT**

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